

## **REMARKS**

In the Office Action mailed September 29, 2009, the Examiner rejected all pending claims 1-5, 9-11, 13-25 and 29-30 under 35 U.S.C. § 103(a). Applicant has amended claims 1 and 29. Applicant requests reconsideration in view of the amendments above and the remarks below.

### **I. Response to Rejection of Claims over Barclay and Nykanen**

Claims 1-5, 9-11, 14-25 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barclay (US Pub. 2003/0119522) in view of Nykanen (US Pub. 2002/0173317). The combination of Barclay and Nykanen would not lead a person of ordinary skill in the art to achieve the invention as recited in claims 1, 22, and 29 because the combination does not describe the sequence of steps as in the claims.

Claim 1 recites:

- in a client station, detecting a request to initiate a voice call;
- responsive to the request and before initiating the voice call, retrieving a location granularity preference of a user of the client station from memory of the client station and sending from the client station into a network a message indicating the location granularity preference of the user ..., and
- after sending the message indicating the location granularity preference of the user into the network, sending an origination message to initiate the voice call.

Independent claims 22 and 29 recite similar language (e.g., claim 22 recites “responsive to the request and before initiating the voice call to the given directory number ...”).

The Examiner cited to Barclay as teaching all the limitations in claim 1 except that the memory of the client station includes the location granularity preference and that each location granularity preference corresponds to a respective location application. (O.A. 9.29.09, p. 2-3).

The Examiner cited to Nykanen as describing those limitations.

Barclay describes a method of sending location information to a customer. When a call is placed to or by a customer, it is determined if any party has disabled the location ID provision feature, which is accomplished in the same way that caller ID may be disabled [0019]. Barclay describes that a code is entered prior to dialing a number, for example, \*67 is used to disable caller ID and \*57 may be used to disable location ID [0019].

Barclay does not describe the steps of “detecting a request to initiate a voice call,” and “responsive to the request and before initiating the voice call, ... sending from the client station into a network a message indicating the location granularity preference of the user,” as in claim 1, and similarly in claims 22 and 29. In contrast, Barclay describes that “when a call is placed to or by a customer, it is determined if any party has disabled the location ID provision feature” [0019]. In Barclay, a user appends a code (e.g., \*57, a Custom Local Area Signaling Service or CLASS code) to the phone number that initiates the call in order to disable location ID [0019]. Thus, in Barclay, the voice call is initiated once the user dials the phone number. And, a user appends the location disable code to the phone number so that the phone call is initiated at the same time as the user disables the location ID. As a result, Barclay does not describe “responsive to the request [to initiate a voice call] and before initiating the voice call, ... sending from the client station into a network a message indicating the location granularity preference of the user.”

In addition, Barclay does not describe “after sending the message indicating the location granularity preference of the user into the network, sending an origination message to initiate the voice call” because Barclay does not describe to send *two separate messages* including: (i) “a message indicating the location granularity preference of the user,” and (ii) “an origination message to initiate the voice call”. In Barclay, the call is originated by the dialed phone number that includes the location disabled code appended to the beginning.

Barclay describes an alternate method in which a party may store location granularity levels in a customer profile at a service provider's server, and the service provider can retrieve the customer's profile when a call is placed to or by the customer to determine if the location function has been enabled [0019]-[0020]. However, in this method, there is no message sent from the client device indicating the location granularity preference.

The secondary reference to Nykanen was cited for describing that memory of the client station includes the location granularity preference and that each location granularity preference corresponds to a respective location application. Nykanen describes that a wireless device includes privacy controls that instruct positioning elements in the device to limit the accuracy of location information provided to an application of the device [0024]. Nykanen describes that the wireless device may determine its own location or the wireless device may request its location from the network, and the device must decide as to the source it will use for the location information [0036]. Nykanen describes that the privacy controls instruct the positioning hardware of the device or the positioning service of the network to provide the device with a specified level of position accuracy [0044]. In each instance, the application on the device will initially request the location of the device to trigger the location determination sequence [0023].

Nykanen does not describe voice call initiation, and thus, does not makeup for the shortcomings of Barclay. In addition, combining Barclay with Nykanen does not describe the sequence of steps as recited in claim 1 and similarly in claims 22 and 29. For example, Barclay describes to detect a request to initiate a voice call by a user dialing a phone number. However, in Barclay, a user appends the CLASS code to disable the location function to the phone number so that the message to disable the location function is sent at the same time as the message to initiate the phone call. Thus, combining Nykanen's description to retrieve a location granularity

preference from memory to be used during a voice call initiation as taught by Barclay is not applicable to the claimed sequence of steps.

Because the combination of Barclay and Nykanen does not result in the invention as recited by any of independent claims 1, 22, and 29, the combination does not render claims 1-5, 9-11, 14-25 and 29-30 obvious.

## **II. Response to Rejection of Claims over Barclay, Nykanen, and McDonnell**

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barclay, Nykanen, and McDonnell (USP 6,799,032). The Examiner cited to McDonnell for describing to randomly adjust a location of a client station. However, McDonnell does not make up for the shortcomings of the combination of Barclay and Nykanen, as described above. Thus, Applicant requests that the rejection of claim 13 be withdrawn.

## **III. Conclusion**

Applicant requests issuance of a Notice of Allowance at this time. Due to the lengthy prosecution of this application, Applicant requests the Examiner to call the undersigned below at (312) 913-3331 if the Examiner has any remaining questions about the present application.

Respectfully submitted,

Dated: December 23, 2009

By: /Joseph A. Herndon/  
Joseph A. Herndon  
Reg. No. 50,469